

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-1402-PWS-E **TCEQ ID:** RN101383982 **CASE NO.:** 34524
RESPONDENT NAME: City of Hale Center

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Hale Center, 702 Main Street, Hale Center, Hale County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Sheryl Lynn Canales, Mayor, City of Hale Center, P.O. Box 532, Hale Center, Texas 79041 Respondent's Attorney: Mr. Micah Malouf, Owen, Voss, Owen, and Melton, P.O. Box 328, Plainview, Texas 79072</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 21, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 3, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to provide well casing vents on Well Nos. 5 and 7 with openings that are covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and are located as to minimize the drawing of contaminants into the wells [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>2) Failed to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].</p> <p>3) Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, at the time of the investigation, it was documented that the locks on the ground storage tank roof hatches had been cut during tank inspections, and had not been replaced [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>4) Failed to provide a liquid level indicator on the elevated storage tank [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>5) Failed to provide water system records to Commission personnel at the time of the investigation, including customer service inspection reports, Disinfectant Level</p>	<p>Total Assessed: \$2,599</p> <p>Total Deferred: \$519 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,080</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures as of September 25, 2007:</p> <p>a. Provided 16-mesh or finer corrosion resistant screens for well casing vents on Well Nos. 5 and 7; and</p> <p>b. Provided locks for the roof hatches on the two ground storage tanks located at 14th Street and Avenue K.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining water system records, including, but not limited to customer service inspections, DLQORs, backflow prevention device testing, and daily disinfectant residual monitoring records, and make these records available to Commission personnel at the time of investigations; and</p> <p>ii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system on a daily basis.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;</p> <p>ii. Provide a liquid level indicator on the elevated storage tank; and</p>

<p>Quarterly Operating Reports ("DLQORs"), and the records of backflow prevention device testing [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>6) Failed to initiate a maintenance program to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the flapper valve on Well No. 4 was leaking and the ground storage tank located near City Hall was in a deteriorated condition [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>7) Failed to monitor the disinfectant residual at representative locations in the distribution system once per day. Specifically, during the investigation, the water system's operator stated that the disinfectant residual was being recorded on a weekly basis instead of a daily basis [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)].</p> <p>8) Failed to maintain a complete and up-to-date chemical and microbiological monitoring plan. Specifically, it was noted during the investigation that a partial plan was compiled by the water system; however, it was not complete and up-to-date because necessary additions and modifications had not been made to the sample site plan [30 TEX. ADMIN. CODE § 290.121(a)].</p>		<p>iii. Develop and maintain an up-to-date chemical and microbiological monitoring plan.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.;</p> <p>ii. House the gas chlorination equipment and chlorine cylinders in a separate building or room with impervious walls or partitions separating all electrical and mechanical equipment; and</p> <p>iii. Rehabilitate the interior and exterior of the ground storage tank located at City Hall and repair the flapper valve on Well No. 4 so that it does not leak.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.</p>
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Additional ID No(s): PWS ID No. 0950002

Attachment A
Docket Number: 2007-1402-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hale Center
Payable Penalty Amount:	Two Thousand Eighty Dollars (\$2,080)
SEP Amount:	Two Thousand Eighty Dollars (\$2,080)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Hale County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	6-Aug-2007	Screening	23-Aug-2007	EPA Due	
	PCW	23-Aug-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Hale Center		
Reg. Ent. Ref. No.	RN101383982		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34524	No. of Violations	8
Docket No.	2007-1402-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,260**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **15% Enhancement** **Subtotals 2, 3, & 7** **\$339**

Notes Enhancement is due to three prior Notices of Violation ("NOVs") for the same or similar violations.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement* **Subtotal 6** **\$0**

Total EB Amounts	\$190
Approx. Cost of Compliance	\$3,475

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,599**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$2,599**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,599**

DEFERRAL **20% Reduction** **Adjustment** **-\$519**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$2,080**

Screening Date	23-Aug-2007	Docket No.	2007-1402-PWS-E	PCW
Respondent	City of Hale Center	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	34524	<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No.	RN101383982			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson-Mgbeoduru			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to three prior Notices of Violation ("NOVs") for the same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 23-Aug-2007

Docket No. 2007-1402-PWS-E

PCW

Respondent City of Hale Center

Policy Revision 2 (September 2002)

Case ID No. 34524

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101383982

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description Failed to provide well casing vents on Well Nos. 5 and 7 with openings that are covered with 16-mesh or finer corrosion resistant screen, facing downward, elevated, and are located as to minimize the drawing of contaminants into the wells.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without screened well casing vents, the customers of the water system could be exposed to significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

63 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$200

Two quarterly events are recommended, one event per well, calculated from the date of the investigation, June 21, 2007, to the date of screening, August 23, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$230

This violation Final Assessed Penalty (adjusted for limits) \$230

Economic Benefit Worksheet

Respondent City of Hale Center
 Case ID No. 34524
 Reg. Ent. Reference No. RN101383982
 Media Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$50	21-Jun-2007	25-Sep-2007	0.3	\$0	\$1	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install screened well casing vents on Well Nos. 5 and 7. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 23-Aug-2007		Docket No. 2007-1402-PWS-E		PCW		
Respondent City of Hale Center		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 34524		<small>PCW Revision June 26, 2007</small>				
Reg. Ent. Reference No. RN101383982						
Media [Statute] Public Water Supply						
Enf. Coordinator Andrea Linson-Mgbeoduru						
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px; text-align: center;">30 Tex. Admin. Code § 290.42(e)(4)(B)</div>				
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities. Specifically, on the date of the investigation, the chlorine cylinders at the City Hall pump station were being housed in the same room with electrical breaker boxes.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$1,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Release		Harm			
			Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; padding: 2px; text-align: center;">25%</div>	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
					Percent <div style="border: 1px solid black; padding: 2px; text-align: center;">0%</div>	
Matrix Notes		<div style="border: 1px solid black; padding: 5px;">If the chlorination equipment is not properly protected from electrical equipment, employees of the water system could be exposed to a significant amounts of contaminants which would exceed levels that are protective of human health.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$750</div>	
					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$250</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">3</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px; text-align: center;">63</div>	
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
Violation Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$750</div>	
Three monthly events are recommended, calculated from the date of the investigation, June 21, 2007, to the screening date, August 23, 2007.						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; text-align: center;">\$90</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px; text-align: center;">\$863</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$863</div>	

Economic Benefit Worksheet

Respondent City of Hale Center
 Case ID No. 34524
 Reg. Ent. Reference No. RN101383982
 Media Public Water Supply
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	21-Jun-2007	30-Apr-2008	0.9	\$4	\$86	\$90
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to construct proper housing for the gas chlorination equipment and cylinders at the City Hall pump station. The date required in the investigation date. The final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$90

Screening Date 23-Aug-2007	Docket No. 2007-1402-PWS-E	PCW
Respondent City of Hale Center	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34524	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN101383982		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(2)	
Violation Description	Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches had been cut during tank inspections, and had not been replaced.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>	
				Percent	10%

>> Programmatic Matrix

	Falsification				
	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		
				Percent	0%

Matrix Notes Failure to properly lock the roof hatches could allow unauthorized access to the ground storage tanks contents and could result in customers of the water system being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events	2	63	Number of violation days
----------------------------	---	----	--------------------------

mark only one with an x	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Two quarterly events are recommended, one event per tank, calculated from the date of the investigation, June 21, 2007, to the screening date, August 23, 2007.

Violation Base Penalty \$200

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$230
This violation Final Assessed Penalty (adjusted for limits) \$230	

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 34524
Reg. Ent. Reference No. RN101383982
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$25	21-Jun-2007	25-Sep-2007	0.3	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide locks for the two ground storage tanks located at 14th & Avenue K. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 23-Aug-2007 Respondent City of Hale Center Case ID No. 34524 Reg. Ent. Reference No. RN101383982 Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4) Violation Description Failed to provide a liquid level indicator on the water system's one elevated storage tank.	Docket No. 2007-1402-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																		
Base Penalty \$1,000																			
>> Environmental, Property and Human Health Matrix																			
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major Moderate Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;">[] [] []</td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">[] x []</td> <td></td> </tr> </table> Percent 10%	Release	Harm			Major Moderate Minor		Actual	[] [] []		Potential	[] x []							
Release	Harm																		
	Major Moderate Minor																		
Actual	[] [] []																		
Potential	[] x []																		
>> Programmatic Matrix																			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major Moderate Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">[]</td> <td style="text-align: center;">[] [] []</td> <td></td> </tr> </table> Percent 0%	Falsification	Major Moderate Minor		[]	[] [] []													
Falsification	Major Moderate Minor																		
[]	[] [] []																		
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> Failure to equip the elevated storage tank with a liquid level indicator can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply. </div>																		
Adjustment \$900																			
\$100																			
Violation Events																			
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events 1 </td> <td style="width: 20%; text-align: center;">63</td> <td style="width: 40%;"> Number of violation days </td> </tr> </table> <table style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: top;"> <i>mark only one with an x</i> </td> <td style="width: 60%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">[]</td></tr> </table> </td> <td style="width: 20%; vertical-align: bottom;"> Violation Base Penalty \$100 </td> </tr> </table> <div style="border: 1px solid black; padding: 5px; text-align: center;"> One quarterly event is recommended, calculated from the investigation date, June 21, 2007, to the screening date, August 23, 2007. </div>		Number of Violation Events 1	63	Number of violation days	<i>mark only one with an x</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">[]</td></tr> </table>	daily	[]	monthly	[]	quarterly	x	semiannual	[]	annual	[]	single event	[]	Violation Base Penalty \$100
Number of Violation Events 1	63	Number of violation days																	
<i>mark only one with an x</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;">[]</td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">[]</td></tr> </table>	daily	[]	monthly	[]	quarterly	x	semiannual	[]	annual	[]	single event	[]	Violation Base Penalty \$100					
daily	[]																		
monthly	[]																		
quarterly	x																		
semiannual	[]																		
annual	[]																		
single event	[]																		
<table style="width: 100%;"> <tr> <td style="width: 50%;">Economic Benefit (EB) for this violation</td> <td style="width: 50%;">Statutory Limit Test</td> </tr> <tr> <td> Estimated EB Amount \$11 </td> <td> Violation Final Penalty Total \$115 </td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) \$115 </td> </tr> </table>		Economic Benefit (EB) for this violation	Statutory Limit Test	Estimated EB Amount \$11	Violation Final Penalty Total \$115	This violation Final Assessed Penalty (adjusted for limits) \$115													
Economic Benefit (EB) for this violation	Statutory Limit Test																		
Estimated EB Amount \$11	Violation Final Penalty Total \$115																		
This violation Final Assessed Penalty (adjusted for limits) \$115																			

Economic Benefit Worksheet

Respondent City of Hale Center
 Case ID No. 34524
 Reg. Ent. Reference No. RN101383982
 Media Public Water Supply
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$200	21-Jun-2007	31-Mar-2008	0.8	\$1	\$10	\$11
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install a liquid level indicator on the elevated storage tank. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11

Screening Date 23-Aug-2007	Docket No. 2007-1402-PWS-E	PCW
Respondent City of Hale Center	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34524	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN101383982		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number <input type="text" value="5"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2)"/>	
Violation Description	<input and="" backflow="" device="" dlqors"),="" of="" prevention="" records="" testing."="" the="" type="text" value="Failed to provide water system records to Commission personnel at the time of the investigation, including customer service inspection reports, Disinfectant Level Quarterly Operating Reports ("/>	
Base Penalty		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	
	Percent <input type="text" value="1%"/>				

Matrix Notes	<input type="text" value="Less than 30% of the rule requirement was not met. A list of 21 records were requested. Three records out of 21 were not provided during the inspection."/>
---------------------	---

Adjustment	<input type="text" value="\$990"/>
	<input type="text" value="\$10"/>

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="63"/>	Number of violation days
---	---------------------------------	--------------------------

<small>mark only one with an x</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$10"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text" value="x"/>													

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$12"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$12"/>	

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 34524
Reg. Ent. Reference No. RN101383982
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	21-Jun-2007	31-Mar-2008	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to organize and begin maintaining a record keeping system for the customer service inspection reports, the DLQORs and the backflow prevention device testing. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$4

Screening Date 23-Aug-2007 Respondent City of Hale Center Case ID No. 34524 Reg. Ent. Reference No. RN101383982 Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 290.46(m) Violation Description Failed to initiate a maintenance program to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the flapper valve on Well No. 4 was leaking and the ground storage tank located near City Hall was in a deteriorated condition.	Docket No. 2007-1402-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																			
Base Penalty \$1,000																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"> Percent 10% </td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>	Release	Harm					Major	Moderate	Minor		Actual				Percent 10%	Potential		x	
Release	Harm																			
	Major	Moderate	Minor																	
Actual				Percent 10%																
Potential		x																		
>> Programmatic Matrix																				
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"> Percent 0% </td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p style="border: 1px solid black; padding: 5px; margin-top: 10px;"> If the system's facilities are not maintained, customers of the water system could be exposed to a significant amounts of contaminants which would not exceed levels that are protective of human health. </p>	Falsification	Major	Moderate	Minor						Percent 0%									
Falsification	Major	Moderate	Minor																	
				Percent 0%																
Adjustment \$900																				
\$100																				
Violation Events																				
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events 2 </td> <td style="width: 20%; text-align: center;">63</td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events 2	63	Number of violation days																
Number of Violation Events 2	63	Number of violation days																		
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event								
daily																				
monthly																				
quarterly	x																			
semiannual																				
annual																				
single event																				
Violation Base Penalty \$200																				
Two quarterly events are recommended, one event per location, calculated from the date of the investigation, June 21, 2007, to the date of screening, August 23, 2007.																				
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount \$60	Violation Final Penalty Total \$230																			
This violation Final Assessed Penalty (adjusted for limits) \$230																				

Economic Benefit Worksheet

Respondent: City of Hale Center
Case ID No. 34524
Reg. Ent. Reference No. RN101383982
Media: Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	21-Jun-2007	30-Apr-2008	0.9	\$3	\$57	\$60
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to repair the ground storage tank near City Hall and the leak on the flapper valve on Well No. 4. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$60

Screening Date 23-Aug-2007		Docket No. 2007-1402-PWS-E		PCW	
Respondent City of Hale Center		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34524		<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN101383982					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number	<input type="text" value="7"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.110(c)(5)(B)"/>				
Violation Description	<div style="border: 1px solid black; padding: 5px;"> <p>Failed to monitor the disinfectant residual at representative locations in the distribution system once per day. Specifically, the water system's operator stated that the disinfectant residual was being recorded on a weekly basis instead of a daily basis.</p> </div>				
Base Penalty					<input type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
Percent					<input type="text" value="25%"/>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent					<input type="text" value="0%"/>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> <p>Failure to monitor the disinfectant residual could result in customers of the water supply being exposed to significant amounts of pollutants or contamination which would exceed levels protective of human health.</p> </div>				
Adjustment					<input type="text" value="\$750"/>
					<input type="text" value="\$250"/>
Violation Events					
		<input type="text" value="3"/>	<input type="text" value="63"/> Number of violation days		
mark only one with an x	daily	<input type="text"/>			
	monthly	<input type="text" value="x"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
Violation Base Penalty					<input type="text" value="\$750"/>
<div style="border: 1px solid black; padding: 5px;"> <p>Three monthly events are recommended, calculated from the date of the investigation, June 21, 2007, to the screening date, August 23, 2007.</p> </div>					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$19"/>	Violation Final Penalty Total		<input type="text" value="\$863"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$863"/>

Economic Benefit Worksheet

Respondent City of Hale Center
 Case ID No. 34524
 Reg. Ent. Reference No. RN101383982
 Media Public Water Supply
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	21-Jun-2007	31-Mar-2008	0.8	\$19	n/a	\$19
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to create and maintain an up-to-date log of the system's daily disinfectant residual reading. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date 23-Aug-2007 Respondent City of Hale Center Case ID No. 34524 Reg. Ent. Reference No. RN101383982 Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 8 Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to maintain a complete and up-to-date chemical and microbiological monitoring plan. Specifically, although a partial plan was compiled by the water system, it was not complete and up-to-date because necessary additions and modifications had not been made to the sample site plan. </div>	Docket No. 2007-1402-PWS-E <div style="text-align: right;"> PCW <small>Policy Revision 2 (September 2002)</small> <small>PCW Revision June 26, 2007</small> </div>																			
Base Penalty \$1,000																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <th></th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2">Percent 0%</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent 0%	Potential			
	Harm																			
Release	Major	Moderate	Minor																	
Actual				Percent 0%																
Potential																				
>> Programmatic Matrix																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <th></th> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td rowspan="2">Percent 5%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Falsification	Major	Moderate	Minor				x		Percent 5%									
Falsification	Major	Moderate	Minor																	
		x		Percent 5%																
Matrix Notes	<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 50% of the rule requirement was not met. </div>																			
Adjustment \$950																				
<div style="border: 1px solid black; width: 100px; height: 20px; margin-top: 5px;"></div> \$50																				
Violation Events																				
	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div> <div style="margin-top: 10px;"> <table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table> </div> </div> <div style="margin-top: 10px;"> mark only one with an x </div> </div> <div style="margin-left: 20px;"> <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center;">64</div> Number of violation days </div>	daily		monthly		quarterly		semiannual		annual		single event	x							
daily																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
	Violation Base Penalty \$50																			
	<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> One single event is recommended. </div>																			
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount \$4	Violation Final Penalty Total \$58																			
This violation Final Assessed Penalty (adjusted for limits) \$58																				

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 34524
Reg. Ent. Reference No. RN101383982
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	21-Jun-2007	31-Mar-2008	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to update and modify the systems sample siting plan in the chemical and microbiological monitoring plan. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN600636609	City of Hale Center	Classification: AVERAGE	Rating: 7.73
Regulated Entity:	RN101383982	CITY OF HALE CENTER	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING		REGISTRATION LICENSE	0950002 0950002
Location:	702 MAIN STREET, HALE COUNTY, TX			
TCEQ Region:	REGION 02 - LUBBOCK			
Date Compliance History Prepared:	August 09, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 06, 2002 to August 06, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Andrea Linson-Mgbeoduru		Phone:	512-239-1482

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

- B. Any criminal convictions of the state of Texas and the federal government.
N/A

- C. Chronic excessive emissions events.
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 02/07/2003 | (23570) |
| 2 | 03/20/2003 | (28359) |
| 3 | 11/23/2005 | (435729) |
| 4 | 03/13/2006 | (458992) |
| 5 | 07/31/2006 | (489492) |
| 6 | 07/31/2007 | (568356) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/07/2003	(23570)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii) 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(iii) 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C) 30 TAC Chapter 290, SubChapter D 290.44(h)[G]			
Description:	No backflow prevention measures have been taken in this system.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)			
Description:	Failure to post an ownership sign on the new well #11.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6) 30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
Description:	The City Hall GST is leaking.			
Date:	03/20/2003	(28359)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii) 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(iii) 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)			

Description:	30 TAC Chapter 290, SubChapter D 290.44(h)[G]		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6)		
	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	The City Hall GST is leaking.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)		
Description:	No ownership sign on well #11.		
Date:	11/28/2005 (435729)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)		
	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(iii)		
	30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)		
	30 TAC Chapter 290, SubChapter D 290.44(h)[G]		
Description:	Failure to install and maintain proper backflow assemblies.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to record sanitary control easements around all wells.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 288, SubChapter B 288.20[G]		
Description:	Failure to prepare a Drought Contingency Plan.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121[G]		
Description:	Failure to prepare a Monitoring Plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to properly vent the ground storage (GS) tank near City Hall.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(3)		
Description:	Failure to provide an air gap between the filling outlet hose and the receiving tank at the overhead bulk water dispensing station near City Hall.		

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

K. Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF HALE CENTER
RN101383982

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1402-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Hale Center ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City, represented by Micah Malouf, of the law firm of Owen, Voss, Owen, and Melton, appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply at 702 Main Street in Hale Center, Hale County, Texas (the "Facility") that has approximately 814 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Five Hundred Ninety-Nine Dollars (\$2,599) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Eighty Dollars (\$2,080) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") as set forth in Attachment A, and Five Hundred Nineteen Dollars (\$519) is deferred contingent upon the City's timely and

satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the City has implemented the following corrective measures as of September 25, 2007:
 - a. Provided 16-mesh or finer corrosion resistant screens for well casing vents on Well Nos. 5 and 7.
 - b. Provided locks for the roof hatches on the two ground storage tanks located at 14th Street and Avenue K.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to provide well casing vents on Well Nos. 5 and 7 with openings that are covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and are located as to minimize the drawing of contaminants into the wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on June 21, 2007.
2. Failed to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during an investigation conducted on June 21, 2007.
3. Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an

investigation conducted on June 21, 2007. Specifically, at the time of the investigation, it was documented that the locks on the ground storage tank roof hatches had been cut during tank inspections, and had not been replaced.

4. Failed to provide a liquid level indicator on the elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on June 21, 2007.
5. Failed to provide water system records to Commission personnel at the time of the investigation, including customer service inspection reports, Disinfectant Level Quarterly Operating Reports ("DLQORs"), and the records of backflow prevention device testing, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on June 21, 2007.
6. Failed to initiate a maintenance program to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on June 21, 2007. Specifically, at the time of the investigation, it was documented that the flapper valve on Well No. 4 was leaking and the ground storage tank located near City Hall was in a deteriorated condition.
7. Failed to monitor the disinfectant residual at representative locations in the distribution system once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(B), as documented during an investigation conducted on June 21, 2007. Specifically, during the investigation, the water system's operator stated that the disinfectant residual was being recorded on a weekly basis instead of a daily basis.
8. Failed to maintain a complete and up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on June 21, 2007. Specifically, it was noted during the investigation that a partial plan was compiled by the water system; however, it was not complete and up-to-date because necessary additions and modifications had not been made to the sample site plan.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Hale Center, Docket No. 2007-1402-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088

Austin, Texas 78711-3088

2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Two Thousand Eighty Dollars (\$2,080) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin maintaining water system records, including, but not limited to customer service inspections, DLQORs, backflow prevention device testing, and daily disinfectant residual monitoring records, and make these records available to Commission personnel at the time of investigations, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system on a daily basis, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision 3.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.;
 - ii. Provide a liquid level indicator on the elevated storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Develop and maintain an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision 3.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.b.;
 - ii. House the gas chlorination equipment and chlorine cylinders in a separate building or room with impervious walls or partitions separating all electrical and mechanical equipment, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Rehabilitate the interior and exterior of the ground storage tank located at City Hall and repair the flapper valve on Well No. 4 so that it does not leak, in accordance with 30 TEX. ADMIN. CODE §§ 290.43 and 290.46.

- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

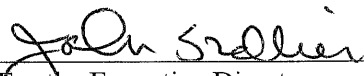
facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


3/4/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

12-12-07
Date

Sheryl Lynn Canales
Name (Printed or typed)
Authorized Representative of
City of Hale Center

MAYOR
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-1402-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hale Center
Payable Penalty Amount:	Two Thousand Eighty Dollars (\$2,080)
SEP Amount:	Two Thousand Eighty Dollars (\$2,080)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Hale County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

